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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,428	10/24/2003	Claudia A. Robbins	10031294-1	2017
	7590 01/22/200 CHNOLOGIES, INC.	EXAMINER		
Legal Departme		CROW, ROBERT THOMAS		
P. O. Box 7599		ART UNIT	PAPER NUMBER	
Loveland, CO 8	80537-0599	1634		
			MAIL DATE	DELIVERY MODE
			01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

. Application No.	Applicant(s)		
10/693,428	ROBBINS ET AL.		
Examiner	Art Unit		
Robert T. Crow	1634		

	Robert T. Crow	1634					
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress				
THE REPLY FILED 19 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods:	wing replies: (1) an amendment, aff stice of Appeal (with appeal fee) in (idavit, or other evider compliance with 37 C	rce, which FR 41.31; or (3)				
a) \square The period for reply expires $\underline{4}$ months from the mailing date							
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	ater than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN THE 06.07(f).	g date of the final rejecti E FIRST REPLY WAS F	on. ILED WITHIN				
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropr inally set in the final Offi	iate extension fee ce action; or (2) as				
 The Notice of Appeal was filed on A brief in complising the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed AMENDMENTS 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the	ns of the date of se appeal. Since				
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	will not be entered b	ecause				
 (a) ☐ They raise new issues that would require further co (b) ☐ They raise the issue of new matter (see NOTE below) (c) ☐ They are not deemed to place the application in be appeal; and/or 	onsideration and/or search (see NO ow);	TE below);					
(d) They present additional claims without canceling a NOTE: See Continuation Sheet. (See 37 CFR 1.1		ected claims.					
4. The amendments are not in compliance with 37 CFR 1.1	21. See attached Notice of Non-Co	mpliant Amendment	(PTOL-324).				
5. Applicant's reply has overcome the following rejection(s		•					
 Newly proposed or amended claim(s) would be a non-allowable claim(s). 			•				
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>None</u> .	⊠ will not be entered, or b) ☐ wi vided below or appended.	II be entered and an o	explanation of				
Claim(s) objected to: <i>None</i> . Claim(s) rejected: <u>1 and 3-24</u> . Claim(s) withdrawn from consideration: <u>25-27</u> .	•	•					
AFFIDAVIT OR OTHER EVIDENCE	•						
8. The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good ar was not earlier presented. See 37 CFR 1.116(e).	nd sufficient reasons why the affida	vit or other evidence i	s necessary and				
 The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar 	overcome <u>all</u> rejections under appe ry and was not earlier presented. S	al and/or appellant fa See 37 CFR 41.33(d)(ils to provide a 1).				
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	on of the status of the claims after e	entry is below or attac	hed.				
The request for reconsideration has been considered b See Continuation Sheet.	ut does NOT place the application i	n condition for allowa	nce because:				
12. Note the attached Information Disclosure Statement(s). 13. Other:			X				
<u> </u>	RAM R.	YYO					
() / ()	RAM R. SUPERVISOR	SHUKLA, PH.D. Y PATENT EXAMIN	IER				

Continuation of 3. NOTE: The amendments filed 19 December 2006 further limit the membrane to a passive physical barrier. The new limitation of a passive membrane narrows the scope of the claims. None of the previous claims required a passive physical barrier; thus, further search and consideration would be required.

In addition, the amendments further require the membrane to have a particle retention of up to about 10 microns. Page 11, paragraph 2 of the specification teaches particle retention in the range of about 0.1 to about 10 microns. The recitation "up to about 10" microns encompasses a range that is broader than that found in the specification. The requirement that the membrane retain particles of less than 0.1 microns therefore constitutes new matter.

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments refer to the amended claims. Since the amendments were not entered, the arguments are moot. Applicant has not presented any additional arguments that were not considered previously. The rejections are therefore maintained.

RAM R. SHUKLA, PH.D. SUPERVISORY PATENT EXAMINER